



**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS
BOARD**

Region 1 Boston, Massachusetts
10 Causeway Street, 6th Floor
Boston, MA 02222-1072
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September 23, 2004

Shelley Kroll, Esquire
Mary T. Sullivan, Esquire
Segal, Roitman & Coleman
11 Beacon Street
Boston, MA 02108

Re: Tufts University
Case 1-RC-21452

Dear Ms. Kroll:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been investigated and considered.

Decision to Dismiss: On March 29, 2002, I issued a Decision and Direction of Election in this case. In my Decision, I found that the petitioned-for graduate student assistants were employees within the meaning of Section 2(3) of the Act, and I directed an election accordingly. On October 11, 2002, the Board granted the Employer's request for review of my Decision.

On July 13, 2004, the Board issued a decision in *Brown University*, 342 NLRB No. 42 (2004), which overruled *New York University*, 332 NLRB 1205 (2000). In *Brown University*, the Board found that graduate student assistants are not employees within the meaning of Section 2(3) of the Act. The instant case was remanded to me for further consideration consistent with *Brown University*.

After due consideration, I have determined that the instant case is controlled by the Board's decision in *Brown University* concerning the status of graduate student assistants as non-employees under the Act. Accordingly, I must dismiss the petition in this matter.

Right to Obtain Review: Section 102.71(b) of the National Labor Relations Board Rules and Regulations permit you to obtain a review of this action by filing a request for review with the National Labor Relations Board. If you wish to file request for review, your attention is directed to the following, which summarizes the provisions of Section 102.71(c) of the Rules:

Request Due Date: The request for review must be received by the Executive Secretary of the Board in Washington, D.C. by the close of business at 5 p.m. on October 7, 2004. However, if you mail the request, it will be considered timely if it is postmarked no later than one day before the due date. The request MAY NOT be filed by facsimile transmission.

Extension of Time to File Request: If you provide a good reason, the National Labor Relations Board may grant you an extension of time to file the request for review. You may file a request for an extension of time by mail, by facsimile transmission, or through the Internet. The fax number is (202) 273-4270. Special instructions for requesting an extension of time over the Internet are set forth in the attached Access Code Certificate. Any request for an extension of time must be received by the due date indicated above. A copy of any request for extension of time should be sent to me.

Request Contents: The request for review (eight copies) must contain a complete statement setting forth the facts and the reasons why you believe the decision to dismiss the petition is incorrect.

Address for Request for Review: The request should be sent to the Executive Secretary of the National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570 by the due date specified above. You should send a copy of the request to me, and one copy of the request to each of the parties whose names and addresses are listed below.

Very truly yours,

Rosemary Pye
Regional Director

cc:
Tufts University
Ballou Hall-1
Medford, MA 02155
Lawrence Bacow, President's Office

David Henderson, Esquire
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Association of Student Employees at Tufts,
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Attn: Kimberly Johnson, Organizer

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Attn: Catherine Trafton, Esquire

General Counsel, Office of Appeals

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